App. F. IX-4

*Previous References*
Legis 18-14-1

193 1. 32 (Legis

**File No.** 48-31

**Serial Nos.** 1 & 2

*Later References*
C.S. 47-35-1

PRESERVED

# General and Revenue Secretariat.

*Serial Nos.* Nil.

**Part B for** January 1932

**SUBJECT.**

R. I., framed under section 79 of Regulation V. of 1914 (the Probate and Administration Regulation)

---

To the Combined Mysore Gazette

No. P3650 of 4.1.32

Requests him to publish in the next issue of the Gazette and supply 200 copies of the notification.

Dr. Hemal Kye.
16/1/32

T 1 9/1914

## ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

---

There are no sections under which Rules have to be framed by Govt
[illegible] there are those
by Govt under sections
79
memo dtd 1 Jan 1926
Jan 88 cog
5/10 &c
memo no P 1676 & 11.10.26

No reply has been received. The Courts Section will kindly furnish the information required.

4/11 To the Courts Section
4/11

6
Section 2 requires that
first have to specify the Courts
that can receive applications under the
Regulation. No Notification seems
to have issued. But the Civil Courts
and the Chief Court seem to be such
Courts.
Under section 52 first have to appoint
Delegates and under section 79 they
have to frame rules for the preservation
of Wills. No Notifications seem to have been
first with a draft

5/10/27
Draft 7/11
To the Asst Secretary
Noted 4/11

N. B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

From

The Registrar Genl.

Letter no 85/1913 dt 4th 12/12

States that no notifications have issued under sections 2, 57, 274 of the Probate and Administration Regulation

Says

The courts have gone on without any rules under these sections. The Registrar may perhaps be enquired whether ~~any~~ Rules under these sections ~~unnecessary~~ have been framed in Madras and ~~otherwise~~ if they are necessary here

A Caus

by whom Law Secr. after which to be written

Lee 28/12

A: may be done

Secy (J) 28/

5-51 27/12

1st Assn 27.12

N. B.—Should routine notes be written on small slips the notes must be cipoed, or slips pasted on this form.

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

---

In Madras notification has been issued under section 2 of the Probate and Administration Act 1881. Vide Govt Notification no 160 J dt 14.4.1879 – Page 59 Part II of the Local Rules and orders Madras. Under section 79 (Corresponding section 41) Rules have been framed for the preservation of wills – Vide notification no 47 J 25.9.1905 – Page 792 Part I Fort St George Gazette – October 3rd 1905. Notifications appointing delegates under section 57 – are not traceable. The Govt Court may be consulted as to whether the notification and Rules is necessary

5/1/28 A.S.

The Govt of Madras has issued a notification under section 2 of the Probate & Administration Act (Vide Ex: Q). Since under this Act the High Courts are empowered to appoint delegates, no notification was necessary under

*N.B.*—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Grant section 52 for Madras Presidency.

Rules

Regulations under section 81 of the Probate and Administration Act have been issued by the Govt. of Madras. Section 81 corresponds to section 79 of our Regn.

The Civil Court may now be consulted (1) as to whether a Hindu widow under section 2 is not necessary before which of the Courts may be empowered (2) as to whether District Delegates are not to be appointed under section 5 and (3) whether Regulations are not necessary to be issued under section 79, as in Madras

Reg 2-D) 24/1

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

the Ch. Ct on the merits of the rules framed by Madras Govt & to suggest suitable alterations thereto.

10/1

11/2/20

8.12.

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

---

Ltd with draft

P4/27
Apr
14/.

Issue
in
1872

To the Regr the Chief Court
No P 4683 D/16.2.28

Request to move the Chief Court
to consider the merits of the
rules framed by the Madras Court
& suggest suitable alterations
thereto with a view to their
adoption in Mysore

From
The Regr the Chief Court.
Letter no D.1015/170 D/27.2.28

States that Govt have already authorised
the Chief Court and all the Dt Judges
to receive applications for probate and
letters of administration in Mdy no
F 762/Legis/F-14-1 D/15.9.1916

Send for perusal the receipt of
reply of the Chief Court to this office
reference re the advisability of the
rules issued in Madras for the preservation
of wills etc under section 79 of the
Probate and Administration Regulation
be amended

13/28 [illegible]

V.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

6

G.R.S. III—3]

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

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Send with a reminder to the Chief Court

*I.B.*—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

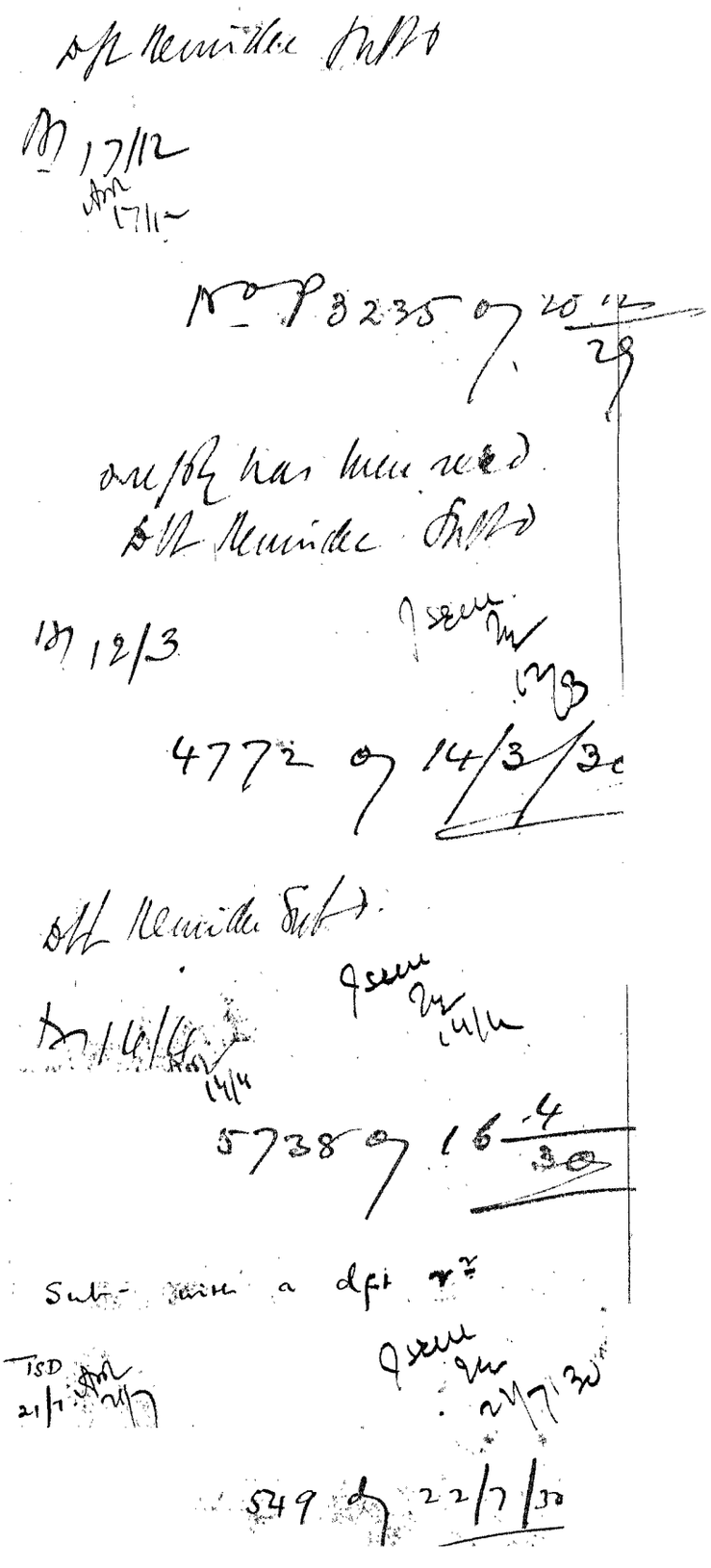
# ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N. B.—Should routine notes be written on small slips the notes must be gipoed, or slips pasted on this form

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]




N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

ROUTINE NOTES

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Dft R^r to Reg^r High Ct. Chittur

ISD
9/2
10/2

Issue
ASO
10/2

Answer no. P. 4954 dt 12.2.51.
N.D.

Series of reminders in the matter of framing rules under the Probate and administration Act have been issued to the Reg^r H. Ct. No reply is forthcoming. If approved a D.O. will be put up this time.

For orders

ISD
27/2 initial

N.B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

G. R. S. III—3]

## ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

Dft R^n to the Reg^r H.C.s.
put up for appl^n
180
9/10 well

Sme
Reg/15/31

TYPING SECTION
10. OCT. 1931
GEN. & REV. SECTT.

Issued xxxx. record d 15.10.31

Letter No. Roc 1028 dated 24th May 1931 from the Registrar, High Court of Mysore forwarding for Consideration of Govt draft rules under sec 79 of the Probate and Administration Reg^n VI of 1914.

These are the rules framed in the matter of preservation and inspection of the wills, required under sec 79 of the Prob^te and admn Reg^n VI of 1914. Formal notification may be issued after appl^n

Sub^d for Cons^d & appl^n

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

WD 1860—GPB—1,50 000—2-5-31

Papers put up, [illegible]

Reg/11/31

Serial No.

GENERAL SECRETARY 14 DEC. 1931 No. 1-2-32

Copy of the Madras Rules framed under Probate and administration Regn is not available here in the library as well as in the Br. It may be obtained from the H.Ct. Dft Subd for appr.

TSD 3/12

This may be got from the H.C. library & sent up (no hurry)

6/12/31

Re-submitted with the copy of the Madras Rules.

12/12 The draft rules proposed by the High Court closely follows the Rules in Madras & may be approved

(Ag Secretary) 16/12/31

SECRETARY 16 DEC. 1931

Rly 22/12/31

6 28/12/31

Dft notification & Subd for approval.

TSD 26/12

6 29/12/31

TYPING SECTION 29 DEC. 1931 CENTRAL SECTION

To,

The Compiler of Gazs.

Not. No. 3650 Law 48-31-2 d 4-1-32 requesting to publish in the next issue of the Gazette and supply 100 copies of the notification.

To the Regr H.Ct. No. 3651 d 4-1-32 enclosing copy of

NOTE—Contn. Sheet

WD 70—GBPM—60,000—13-8-31

17

File No. 46 of 1931.

General and Revenue Secretariat

200 Copies of the printed notifications have been received. 50 copies may be sent to the Regr. H. Ct. for distribution and the rest may be sent to the Genl. Records. Dft to the Regr. H. Ct. & Subs for appl.

TSD 9/1

Issued vide P. 3907 dt 13.1.31.

11/1/32

To

Genl Records for kindly acknowledging 150 printed copies of the notification dated 13.1.31, herewith put up.

TSD 13/1

13/1/32

TSD 13/1/32

CIPHER SECTION 12 JAN 1932

GENERAL AND REVENUE SECRETARIAT,

*Bangalore, Dated* 11th Oct 1926.

No. P. 1696

**MEMO**

~~Rules~~ Notns have to issue under Sections 2, 52 & 79 of Prohibition Regulation II of 1916.

2. The Protection Branch is requested to state if ~~rules or~~ notifications have been issued under the sections referred to, and if so, to kindly put up a copy of the ~~rules, etc.~~ notns so issued. If the ~~rules~~ notns are not issued, necessary action may kindly be taken in the matter early, and copies of the same sent to the Protection Branch when issued.

By Order,

Secretary to Government,
*Local and Legislative Departments.*

D21

SUBJECT.....

.....

.....

*Diary No. of letter replied to*.....

General and Revenue Secretariat

( )

*the* *192*

Date of issue 4.11.27

Signed by N.T.S Meddy

List of enclosures.....

Copied by.....

Examined by.....

Section C 5

File No.

Serial No.

No. P 2297

To

The Registrar Chief Court

Sir

I am directed to invite reference to sections 2, 5 2 and 79 of the Probate and Administration Regulation VI of 1914 and to request you to kindly intimate whether notifications have been issued under section 2 of the Regulation specifying the courts that can receive applications under the Regulation, appointing as delegates under section 5 2 and for the presentation and inspection of wills under section 79 of the Regulation.

I have etc

B/4 over

D Rawlley

WD 01265—GPB—31,000— 24-12-25

15/10/27

CHIEF COURT OF MYSORE
Public Office Buildings, Cubbon Park,

Bangalore 14th Decembe

~~R. O. C.~~ No. 109
Dis. 27-8

*From*

A. Sreenivasaragavachari, Esq., B.A., B.L.,
*Registrar, Chief Court of Mysore*

*To*

B. NAGAPPA, Esq., Bar-at-Law.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department BANGALORE.

*Sir,*

I am directed to acknowledge the receipt of your letter No. P. 2299/Cts. dated the 4th November 1927 inviting reference to Sections 2, 52 and 79 of the Probate and Adminstration Regulations VI of 1914 and requesting to be informed whether notifications have been issued specifying the Courts that can receiv applications under Section 2 of the Regulation, appointing delegates under Section 52 and for the presentation and inspection of Wills under Section 79 of the Regulation.

In reply I am to state that no notifications of the kind referred to appear to have been issued.

I have the honour to be,

Sir,

Your most obedient servant

M Narasinga

For Registrar.

Section

File No.

Serial No.

No. J 4683

*Diary No. of letter replied to*.....

General and Revenue Secretariat

( )

*the* *192*

To The Registrar, High Court.

Date of issue 16/2/28

Sir,

With reference to your letter No. D/1015 109 dt 14-12-27 stating that no notifications have been issued under sections 2, 57 and 79 of the Probate and Administration Regn., I am directed to invite reference to the following notifications issued by the Govt of Madras under sections 2 and ~~Section~~ 81, Cons to ~~Section 79~~ of the ~~repealed~~ Probate and Administration ~~Regulation~~ Act 1889 and to request you to ~~forward~~ move to ~~Govt~~ the High Court ~~early~~

Recal nos no 160 dt 18-4-1889 - Published in the Fort St George gazette dt 30-4-1889 - Page 253 Part I

List of enclosures.....

Recal no 447 dt 25-9-1905 - Published on page 792 - Part I of the Fort St George gazette dt 3-10-1905

Copied by .....

Examined by .....

*over*

to the 70 Food Act to consider the
merits of the Rules framed by the Madras Govt
and to suggest suitable alterations thereto
with a view to their ~~since~~ adoption
in my case

Yr
Dr Narayana

T. Singaravelu Mudaliar, Esq., B.A.,B.L.,

Registrar, Chief Court, Bangalore.

With reference to your letter No.D,Dis. 109 dated 14-12-1927 stating that no notifications have been issued under sections 2,52 and 79 of the Probate and Administrative Regulation, I am directed to invite reference to the marginally noted notifications issued by the Government of Madras under sections 2 and 81, of the Probate and Administration Act 1881 and to request you to move the Chief Court to be so good as to consider the merits of the Rules framed by t Madras Government and to suggest suitable alterations thereto with a view to their adoption in Mysore.

Judicial Notification No.160 dated 18-4-1889 published in the Fort St.George Gazette 30-4-1889 Page 253 Part I.

Judicial Notification No.447 dated 25-9-1905, published on page 792 Part I of the Fort St. George Gazette dated 3-10-1905.

I have the honour to be,

Sir,

Your most obedient servant,

For Secy to Govt Law Dept

TD.

Telgm:
"JUSTICE"

425 / 1927

**CHIEF COURT OF MYSORE,**
**Public Office Buildings, Cubbon Park,**

*Bangalore* 27th February *192* 8.

~~R. O. C.~~ Dis. No. 170/27-8

*From*

T. Singaravelu Mudaliar,
~~A. Sreenivasaragavachari~~, Esq., B.A., B.L.,
*Registrar, Chief Court of Mysore.*

28/V

*To*

B. Nagappa, Esq., Bar-at-Law.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore.

*Sir,*

In continuation of my letter No. $D_1$ Dis. 109/27-28 dated the 14th December 1927 stating that no notifications appear to have been issued specifying the Courts that can receive application under Section 2 of the Probate and Adminstration Regulation VI of 1914, appointing delegates under Section 52 and for the presentation and inspection of wills under Section 79 of the Regulation, I am directed to state that Government have, by Notification No. J.762/Legis. 18-14-1 dated 15-9-14 issued under Section 2 of the said Regulation, authorised the Chief Court and all District Judges to receive applications for probate and letters of adminstration

I have the honour to be,
Sir,
Your most obedient servant,

T. Singaravelu
Registrar.

vSM.

HIGH ~~COURT~~ COURT
OF MYSORE,
BANGALORE
21st November 193

Rec'd: 1028 ER P.P. 1-6
27-28

2425

From

The Registrar,

High Court of Mysore,

Bangalore.

GENERAL SECRETARIAT
27 NOV. 1928
No.

To

H.V. Ramaswami, Esq., M.A., B.L.,

Secretary to Government,

General Department, Bangalore.

Sir,

Adverting to your letter No.P.4683/Cts. dated the 16th February 1928 inviting reference to the marginally noted notifications issued by the Government of Madras under Sections 2 and 81 of the Probate and Administration Act 1 and requesting the High Court to consider the merits of the rules framed by the Madras Government and to suggest suitable alterations thereto with a view to their adoption in Mysore, I am directed to state that a Notification similar to the Notification No.16 dated the 18th April 1889 issued by the Madras Government, has already been issued by the Government of Mysore under Section 2 of the Probate and Administration Regulation as already intimated to you in my letter No.D1 Dis.170/27-28 dated the 27th February 1928.

| |
|---|
| Judicial Notification No.160 dated 18th April 1889. |
| Judicial Notification No.447 dated 25th September 1905 |

As regards rules under Section 79 of the Probate and Administration Regulation, I am to forward herewith a draft

of the same for the consideration of Government.

I have the honour to be,

Sir,

Your most obedient servant,

M Vinayagam

Deputy Registrar
Doing Duty as Registrar.

RV.

NOTIFICATION No..

DATED.....

In exercise of the powers conferred by Section 259 of Act X of 1865 (The Indian -- Succession Act) and Section 79 of Regulation VI of 1914 (The Probate and Administration Regulation), the Government of His Highness the Maharaja has made and hereby notifies for general information the following rules for the preservation and inspection of wills filed in the Courts of District Judges or District Delegates.

Madras Rule 1.

1. Every original will filed in the court of a District Judge for the purpose of an application for the grant of a probate or letters of administration with the will annexed shall, -- except as herein-after provided, remain in the custody of the Chief Ministerial Officer of the court in which it has been filed, and shall be preserved by him in the manner hereinafter mentioned: Provided that it shall be lawful for a District Judge, upon a requisition from any court for the production of an Original will in a case pending in such court, to forward the -- will in a sealed packet in the custody of a -- responsible officer to such court for production in the pending case. The officer to whom an original will is so entrusted shall deliver the sealed packet containing the same to the presiding Judge of such court, and the presiding Judge

shall thereupon take all needful precautions for the safe custody and preservation of the will until he has returned the same in a -- sealed packet to the officer to whom it was entrusted for production, who shall deliver the sealed packet to the District Judge in whose court the will was filed for the purposes of the application for the grant of -- probate or letters of administration. No District Judge shall comply with any requisition for the production of a will except on receipt of a sum sufficient to cover all -- necessary expenses.

2. When any original will is filed for the purpose of an application for the grant of -- probate or letters of administration, the Chief Ministerial officer of the court shall endorse upon it a serial number and a reference to the application and shall cause a copy of the will to be made, and after the copy has been examined by the Chief Ministerial Officer and found by him to be a true copy, the said officer shall certify the copy to be a true copy, and shall -- place with the record the copy so certified and the will shall thereupon be placed in a sealed cover (to be sealed in the presence of the -- District Judge) and the sealed cover containing the will shall be locked up in a fire-proof box, which shall be kept in the sole charge of the Chief Ministerial officer. The key of the box shall also be in the sole charge of the Chief Ministerial Officer who will be held responsible

Madras Rule

for

for the safe custody of the box and its contents

Madras Rule 3.

3. No original will, after being placed in the fire-proof box shall be removed therefrom except under an order in writing of the District Judge made for the purpose of - -

(a) Complying with a requisition within the meaning of the proviso to Rule 1;

(b) its being produced in court on the hearing of the application for the purpose of which it was filed, or on the hearing of an application for the revocation of a grant of probate or letters of administration with the will -- annexed, or on the hearing of a case in the District Judge's Court in which it is necessary to put such will in evidence;

its being copied; or

an inspection of such will.

Madras Rule 4.

)ecial annual register (to be maintained for each calendar year) of wills filed for the purposes of applications for the grant of probate or letters of administration with the will annexed shall be kept in English by each District Judge in duplicate in Form I to these rules, and shall bear the heading -- "Register of Wills filed in applications for the grant of probate or letters of administration with the will annexed".

5. In the register mentioned in Rule 4 shall be entered the particulars indicated by the -- headings of columns. Madras Rule No.5

An alphabetical index in duplicate in Form II to these rules shall be prepared to the - entries in the register and a copy of such index shall be attached to each register.

6. The District Judge may, upon an application in writing, for inspection of the regist and of any will mentioned in ~~in~~ such register or make an order permitting the inspection of th same: Provided that no such order shall be m unless in such application are set forth the -- names, residences and occupations of the applicant and of the person or persons, if any, to be present on his behalf at the inspection, and the reasons for which an order of inspection is desired, and in the case of an application for the inspection of an original will unless the application be accompanied by a court-fee stamp of Re.1/- under Rule ~~12~~ 11(1). Madras Rule No.7

7. The order for inspection shall state the date on which the inspection may be had. No inspection shall be allowed under these rules except between the hours of 11 A.M. and 3 P.M. or otherwise than in the presence of the District Judge or of the Chief Ministerial Officer of his court as the District Judge shall direct. No person inspecting a will under these rules shall be permitted during the inspection to have in his Madras Rule No.8

possession or have access to a pen and ink, or to write anything whatsoever, or to make any erasure or mark in the register or on the will, but a person so inspecting may be permitted to make notes in pencil on a separate paper.

Madras Rule No.9.

8. Every copy of an original will shall be made in the presence of the District Judge or the -- Chief Ministerial officer of the court as the District Judge may direct.

Patna Rule 7.

9. Application for a copy of an original will shall be submitted to the Judge and such copy -- shall only be granted subject to the conditions which attach to the inspection of original wills.

Madras Rule 10.

10. In these rules District Judge shall include District Delegate.

11. The following fees shall be levied in Court-fee stamps for the inspection of wills, etc:-

(i) For the inspection of an original will, Court-fee stamp of the value of one rupee.

(ii) For the inspection of a copy of a will in the Register, Court-fee stamp of the value of eight annas.

(iii) For copies, the same fee as for inspection, in addition to the copying charges, which shall be at the usual rate obtaining in the Civil Courts, and shall be levied in the same way as such charges are levied in the Civil Courts.

## F O R M - No. I.

Register of wills filed in applications for the grant of Probate or letters of Administration with the wi annexed.

| Serial number of will | No.of file in the Court Register which relates to the will. | Name of testator. | Residence. | Date of grant of Probate or letters of Administration with the will annexed granted. | Person to whom Probate or letters of Administration with the will annexed granted. | Date of inspection of will | Person by whom will inspected. | Fees realised on inspection. |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

## F O R M - No.II.

INDEX.

| Name of testator. | Page of register. |
|---|---|
| | |

SUBJECT .....

.....

.....

Section Legn

File No. 46-31

Serial No. 2

*Diary No. of letter replied to* ..... No. 3650 (1)

Notification.

General and Revenue Secretariat

( )

*the* *193* .

Date of issue 4/1/32

Signed by .....

In exercise of the powers conferred by Section 259 of Act X of 1865 (the Indian Succession Act) and Section 79 of Regulation VI of 1914 (the probate and administration Regulation) the Govt of His Highness the Maharaja are pleased with effect from 1st Jan 1932 to make the following rules for the preservation and inspection of wills filed in the Courts of District Judges or District delegates

Published in the Mys. Gaz. dated 7th Jan 1932

List of enclosures .....

Copied by .....

Examined by .....

(Para 1-11 of Reg VI.

The Compile. Mys. Gaz. with a request publish the same in the next issue of the and send 200 copies of the notification

71—GBPM—40,000—20-7-31.

B. O.

The Regr H.Ct. 3651/ISD 20/12 dy 4/1/32

Issued

Chief Sec

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,/

General and Revenue Secretariat,/

No. R. 3650 (1) Legislation-2

Dated, Bangalore,.....4/1/....1937.

# NOTIFICATION.

In exercise of the powers conferred by Section 259 of Act X of (The Indian Succession Act ) and Section 79 of Regulation VI of (The Probate and Administration Regulation ) the Government of H Highness the Maharaja are pleased to make with effect from 1st January 1932 the following rules for the preservation and inspection of wills filed in the Courts of District Judges or District Delegates : -

1. Every original will filed in the court of a District Judge for the purpose of an application for the grant of a probate or letters of administration with the will annexed shall, except as herein-after provided, remain in the custody of the Chief Ministerial Officer of the Court in which it has been filed, and shall be preserved by him in the manner hereinafter mentioned; Provided that it shall be lawful for a District Judge, upon a requisition from any court for the production of an Original will in a cases pending in such court, to forward the will in a sealed packet in the custody of a responsible officer to such court for production in the pending case. The officer to whom an original will is so entrusted shall deliver the sealed packet containing the same to the presiding judge of such court, and the presiding Judge shall thereupon take all needful precautions for the safe - custody and preservation of the will until he has returned the same in a sealed packet to the officer to whom it was entrusted for production, who shall deliver the sealed packet to the District Judge in whose court the will was filed for the purposes of the application for the grant of probate or letters of administration. No District Judge shall comply with any requisition for the production of a Will except on receipt of a sum sufficient to cover all necessary expenses.

2. When any original will is filed for the purpose of an application

for the grant of probate or letters of administration, the chief Ministerial Officer of the Court shall endorse upon it a serial number and a reference to the application and shall cause a copy of the will to be made, and after the copy has been examined by the Chief Ministerial Officer and found by him to be a true copy, the said officer shall certify the copy to be a true copy, and shall ~~xxxkifxxxkxxxxxxpxxxf~~ place with the record the copy so certified and the will shall thereupon be placed in a sealed cover (to be sealed in the presence of the District Judge) and the sealed cover containing the will shall be locked up in a fire-proof box, which shall be kept in the sole charge of the Chief Ministerial Officer. The key of the box shall also be in the sole charge of the Chief Ministerial Officer who will be held responsible for the safe custody of the box and its contents.

3. No original will, after being placed in the fire-proof box shall be removed therefrom except under an order in ~~xxx~~ writing of the District Judge made for the purpose of

(a) complying with a requisition within the meaning of the proviso to Rule 1.

(b) its being produced in Court on the hearing of the application for the purpose of which it was filed, or on the hearing of an application for the revocation of a grant of probate or letters of administration with the will annexed, or on the hearing of a case in the District Judge's Court in which it is necessary to put such will in evidence;

(c) its being copied; or

(d) an inspection of such will.

4. A special annual register (to be maintained for each Calendar year) of wills filed for the purposes of applications for the grant of probate or letters of administration with the will annexed shall be kept in English ~~x~~ by each District Judge in duplicate in Form ~~X~~ to these Rules, and shall ~~xixx~~ bear the heading "Register of wills filed in applications for the grant of probate

or letters of administration with the will annexed".

5. In the register mentioned in Rule 4 shall be entered the particulars indicated by the headings of columns.

An alphabetical index in duplicate in Form II to these rules shall be prepared to the entries in the ~~x~~ register and a copy of such index shall be ~~xxxx~~ attached to each register.

6. The District Judge may, upon an application in writing, for inspection of the register and/or of any will mentioned in such register, make an order permitting the inspection of the same; Provided that no such order shall be made unless in such application are set forth the names, residences and occupations of the applicant and of the person or persons, if any, to be present on his behalf at the inspection, and the reasons for which an order of inspection is desired, and in the case of an application for the inspection of an original will unless the application be accompanied by a court-fee stamp of Re.1/- under Rule 11 (1).

7. The order for inspection shall state the date on which the inspection may be had. No inspection shall be allowed under these rules except between the hours of 11 A.M. and 3 P.M. or other -wise than in the presence of the District Judge or of the Chief Ministerial Officer of his Court as the District Judge shall direct. No person inspecting a will under these rules shall be permitted during the inspection to have in his possession or have access to a pen and ink, or to write anything whatsoever, or to make any erasure or mark in the register or on the will, but a person so inspecting may be permitted to make notes in pencil on a separate paper.

8. Every copy of an original will shall be made in the presence of the District ~~xxxixxxxx~~ Judge or the Chief Ministerial Officer of the Court as the District Judge may direct.

9. Application for a copy of an original will shall be submitted to the Judge and such copy shall only be granted subject

to the conditions which attach to the inspection of original wills

10. In these rules District Judge shall include District Delegate.

11. The following fees shall be levied in Court-fee stamps for the inspection of wills, etc.,

(i) For the inspection of an original will. Court fee stamp of the value of one rupee.

(ii) For the inspection of a copy of a will in the Register, Court-fee stamp of the value of eight annas.

(iii) For copies, the same fee as for inspection, in addition to the copying charges, which shall be at the usual rate obtaining in the Civil Courts, and shall be levied in the same way as such charges are levied in the Civil Courts.

By Order,

Chief Secretary to Government.

TSD

To

~~The Registrar, High Court of Mysore~~

The Compiler, Mysore Gazette with a request to publish the same in the next issue of the Gazette and send 200 copies of the notification.

Form - No.1.

Register of wills filed in applications for the grant of probate or letters of Administration with the will annexed.

| Sr. No. of wills. | No. of file in the Court Register which relates to the will. | Name of testator. | Residence. | Date of grant of Probate or letters of Administration with the will annexed granted. | Persons to whom probate or letters of Administration with the will annexed granted. | Date of inspection of will. | Person by whom will inspected. | Fees realised on inspection. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|

Form - No.1.

Index.

| Name of Testator. | Page of register |
|---|---|
| | |

# CHIEF SECRETARIAT.

*No. P.* 3650—*Legis.* 48-31-2, *dated 4th January 1932.*

In exercise of the powers conferred by section 259 of Act X of 1865 (The Indian Succession Act) and Section 79 of Regulation VI of 1914 (The Probate and Administration Regulation) the Government of His Highness the Maharaja are pleased to make with effect from 1st January 1932 the following rules for the preservation and inspection of wills filed in the Courts of District Judges or District Delegates :—

1. Every original will filed in the Court of a District Judge for the purpose of an application for grant of a probate or Letters of Administration with the will annexed shall, except as hereinafter provided, remain in the custody of the Chief Ministerial Officer of the Court in which it has been filed, and shall be preserved by him in the manner hereinafter mentioned; Provided that it shall be lawful for a District Judge, upon a requisition from any Court for the production of an original will in a case pending in such Court, to forward the will in a sealed packet in the custody of a responsible officer to such Court for poduction in the pending case. The officer to whom an original will is so entrusted shall deliver the sealed packet containing the same to the presiding judge of such Court, and the presiding Judge shall thereupon take all needful precautions for the safe custody and preservation of the will until he has returned the same in a sealed packet to the officer to whom it was entrusted for production, who shall deliver the sealed packet to the District Judge in whose Court the will was filed for the purposes of the application for the grant of probate or Letters of Administration. No District Judge shall comply with any requisition for the production of a will except on receipt of a sum sufficient to cover all necessary expenses.

2. When any original will is filed for the purpose of an application for the grant of probate or Letters of Administration, the Chief Ministerial Officer of the Court shall endorse upon it a serial number and a reference to the application and shall cause a copy of the will to be made, and after the copy has been examined by the Chief Ministerial Officer and found by him to be a true copy, the said officer shall certify the copy to be a true copy, and shall place with the record the copy so certified and the will shall thereupon be placed in a sealed cover (to be sealed in the presence of the District Judge) and the sealed cover containing the will shall be locked up in a fire-proof box, which shall be kept in the sole charge of the Chief Ministerial Officer. The key of the box shall also be in the sole charge of the Chief Ministerial Officer who will be held responsible for the safe custody of the box and its contents.

3. No original will, after being placed in the fire-proof box shall be removed therefrom except under an order in writing of the District Judge made for the purpose of—

(*a*) Complying with a requisition within the meaning of the proviso to Rule 1.

(*b*) its being produced in Court on the hearing of the application for the purpose of which it was filed, or on the hearing of an application for the revocation of a grant of probate or Letters of Administration with the will annexed, or on the hearing of a case in the District Judge's Court in which it is necessary to put such will in evidence;

(*c*) its being copied; or

(*d*) an inspection of such will.

4. A special annual register (to be maintained for each calendar year) of wills filed for the purposes of applications for the grant of probate or Letters of Administration with the will annexed shall be kept in English by each District Judge in duplicate in Form I to these Rules, and shall bear the heading "Register of wills filed in applications for the grant of probate or Letters of Administration with the will annexed".

5. In the register mentioned in Rule 4 shall be entered the particulars indicated by the headings of columns.

An alphabetical index in duplicate in Form II to these rules shall be prepared to the entries in the register and a copy of such index shall be attached to each register.

6. The District Judge may, upon an application in writing, for inspection of the register and/or of any will mentioned in such register, make an order permitting the inspection of the same; Provided that no such order shall be made unless in such application are set forth the names, residences and occupations of the applicant and of the person or persons, if any, to be present on his behalf at the inspection, and the reasons for which an order of inspection is desired, and in the case of an application for the inspection of an original will unless the application be accompanied by a court-fee stamp of Re. 1 under Rule 11 (1).

7. The order for inspection shall state the date on which the inspection may be had. No inspection shall be allowed under these rules except between the hours of 11 A.M. and 3 P.M. or otherwise than in the presence of the District Judge or of the Chief Ministerial Officer of his Court as the District Judge shall direct. No person inspecting a will under these rules shall be permitted during the inspection to have in his possession or have access to a pen and ink, or to write anything whatsoever, or to make any erasure or mark in the register or on the will, but a person so inspecting may be permitted to make notes in pencil on a separate paper.

8. Every copy of an original will shall be made in presence of the District Judge or the Chief Ministerial Officer of the Court as the District Judge may direct.

9. Application for a copy of an original will shall be submitted to the Judge and such copy shall only be granted subject to the conditions which attach to the inspection of original wills.

10. In these rules District Judge shall include District Delegate.

11. The following fees shall be levied in Court-fee stamps for the inspection of wills, etc.—

(i) For the inspection of an original will, Court-fee stamp of the value of one rupee.

(ii) For the inspection of a copy of a will in the Register, Court-fee stamp of the value of eight annas.

(iii) For copies, the same fee as for inspection, in addition to the copying charges, which shall be at the usual rate obtaining in the Civil Courts, and shall be levied in the same way as such charges are levied in the Civil Courts.

By Order,

N. MADHAVA RAO,
*Chief Secretary to Government.*

FORM—No. 1.

Register of wills filed in applications for the grant of Probate or Letters of Administration with the will annexed.

| Serial No. of will | Number of file in the Court Register which relates to the will | Name of testator | Residence | Date of grant of Probate or Letters of Administration with the will annexed granted | Person to whom Probate or Letters of Administration with the will annexed granted | Date of inspection of will | Person by whom will inspected | Fees realised on inspection | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |

FORM—No. II.

Index.

| Name of Testator | Page of Register |
|---|---|
| | |

Appendix F G—1]

SUBJECT

Section

File No.

Serial No.

*Diary No. of letter replied to* .....

No. 03907 (50)

To The Registrar. H. Ct

Sir,

General and Revenue Secretariat

( )

*the* *193* .

In Continuation of this office letter No. P. 3657 dated 4th Jan 1932, I am directed to forward herewith 50 printed copies of the Notification No. P. 3650 - Legn 48-31-2 dated 4th Jan 1932 issuing the rules framed under Section 79 of Regulation VI of 1914 (the Probate and administration Reg.

I have etc

a

for Ch. Sec.

Date of issue ..... 13/1/32

Signed by .....

List of enclosures .....

Copied by .....

Examined by .....

ISD MSK

WD 71—GBPM—40,000—20-7-31.